

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:16cr6

ANTHONY L. BURFOOT

**DEFENDANT ANTHONY L. BURFOOT'S BRIEF IN SUPPORT OF MOTION FOR ONE ADDITIONAL  
EXTENSION OF TIME PURSUANT TO RULE 45 WITHIN WHICH TO FILE POST-VERDICT  
MOTIONS**

COMES NOW the defendant, Anthony L. Burfoot, by counsel, and as and for his Motion For One Additional Extension Of Time Pursuant To Rule 45 Within Which To File Post-Verdict Motions, respectfully states as follows:

Post-verdict motions under Federal Rules of Criminal Procedure 29 (c) (1) (post-verdict motion for a judgment of acquittal), 33 (b) (2) (post-verdict motion for new trial), and 34 (b) (post-verdict motion to arrest judgment) must be filed, according to the foregoing Rules, within 14 days of the verdict. Since the verdict was returned in the instant case on December 9, 2016, post-verdict motions under the foregoing Rules were originally due by December 23, 2016.

However, counsel for the defendant respectfully requested an extension, which the Court kindly granted, until today, January 4, 2017. As it turns out, due to counsel's exceptionally heavy post-trial schedule, the intervening holidays and holiday-related closings, the number and nature of the contemplated post-verdict motions, and additional even more recent developments counsel has had to address involving the above defendant's City and recall Petition-related matters, counsel must respectfully request one additional five-day extension from January 4 until Monday, January 9, 2017 within which to file post-verdict motions.

Fed. R. Crim. P. 45 (b) states, in pertinent part, with respect to extending time for such motions, as follows:

- (1) **In General.** When an act must or may be done within a specified period, the court on its own may extend the time, or for good cause may do so on a party's motion made:
- (A) before the originally prescribed or previously extended time expires;

Given the foregoing grounds for the need for additional time, counsel respectfully submits that he has demonstrated good cause for the requested additional extension, which has been at this time made "before the originally prescribed or previously expired time expires." The defendant has discussed this proposed requested additional extension with counsel for the United States, and the United States has advised that it neither objects to nor opposes the proposed extension.

Moreover, given the gravity of the convictions by the jury for the defendant's personal and professional life and the significant continuing and evolving collateral consequences thereof, the defendant respectfully submits that the additional time is in the interests of justice for all.

A proposed Order granting the requested extension is being circulated for the ease and convenience of the Court in the event that the Court is inclined to act favorably upon the requested relief, and will be submitted forthwith to the Court for its consideration.

#### **CONCLUSION**

For the foregoing reasons, the defendant respectfully submits that he has demonstrated good cause under Rule 45 for an extension of time from January 4, 2017 until Monday, January 9, 2017 to file post-verdict motions under Rules 29, 33 and 34, and respectfully requests the entry of an Order to that effect.

ANTHONY L. BURFOOT

By: \_\_\_\_\_/s/\_\_\_\_\_  
Of counsel

Andrew M. Sacks, Esquire, VSB#: 20082  
Stanley E. Sacks, Esquire, VSB# 04305  
Attorneys for defendant Anthony L. Burfoot  
SACKS & SACKS, P.C.  
Town Point Center  
150 Boush Street, Suite 801  
Norfolk, VA 23510  
Telephone: (757) 623-2753  
Facsimile: (757) 274-0148  
E-mail: [andrewsacks@lawfirmofsacksandsacks.com](mailto:andrewsacks@lawfirmofsacksandsacks.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of January, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

Melissa E. O'Boyle, Esquire  
Assistant United States Attorney  
United States Attorney's Office  
101 West Main Street, Suite 8000  
Norfolk, Virginia 23510  
Phone: (757) 441-6331  
Fax: (757) 441-6689  
Email: [Melissa.OBoyle@usdoj.gov](mailto:Melissa.OBoyle@usdoj.gov)

\_\_\_\_\_/s/\_\_\_\_\_  
Andrew M. Sacks, Esquire

Andrew M. Sacks, Esquire, VSB#: 20082  
Stanley E. Sacks, Esquire, VSB# 04305  
Attorneys for defendant Anthony L. Burfoot  
SACKS & SACKS, P.C.  
Town Point Center  
150 Boush Street, Suite 801  
Norfolk, VA 23510  
Telephone: (757) 623-2753  
Facsimile: (757) 274-0148  
E-mail: [andrewsacks@lawfirmofsacksandsacks.com](mailto:andrewsacks@lawfirmofsacksandsacks.com)

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